



DEPARTMENT OF THE ARMY
NASHVILLE DISTRICT, CORPS OF ENGINEERS
3701 Bell Road
NASHVILLE, TENNESSEE 37214

REPLY TO
ATTENTION OF:

April 18, 2007

Regulatory Branch

SUBJECT: File No. 2007-00600; Wetland Delineation Verification
for 608 McGavock Pike, Davidson County, Tennessee
S&ME Project No. 1464-07-025

Mr. Ronald H. Walker
S&ME, Inc.
2713 Kanasita Drive
Hixson, TN 37343

Dear Mr. Walker:

This is in response to your request for our verification of the S&ME, Inc. wetland delineation of the subject property. Please refer to File No. 2007-00600 in any future correspondence with us concerning this project.

Based upon the information you submitted and our site visit on April 18, 2007, the wetland appears to be correctly identified and delineated. The flagged area should be surveyed to determine exact acreage for any permit applications.

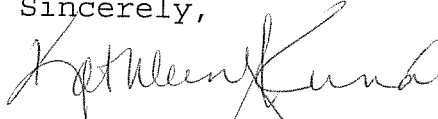
Therefore, our approved jurisdictional determination is that the wetland described in the S&ME report dated April 4, 2007 and the unnamed waterway are both considered waters of the U.S. and are subject to Corps of Engineers' regulatory jurisdiction under Section 404 of the Clean Water Act.

I have enclosed a Notification of Applicant Options, which explains available options, regarding this determination.

It is your responsibility to obtain any local, state, and/or other federal approvals required for work on this stream.

We appreciate your awareness of our regulatory program. If you have any questions concerning the Corps of Engineers' jurisdiction on this matter, please contact me at the above address or phone (615) 369-7506.

Sincerely,

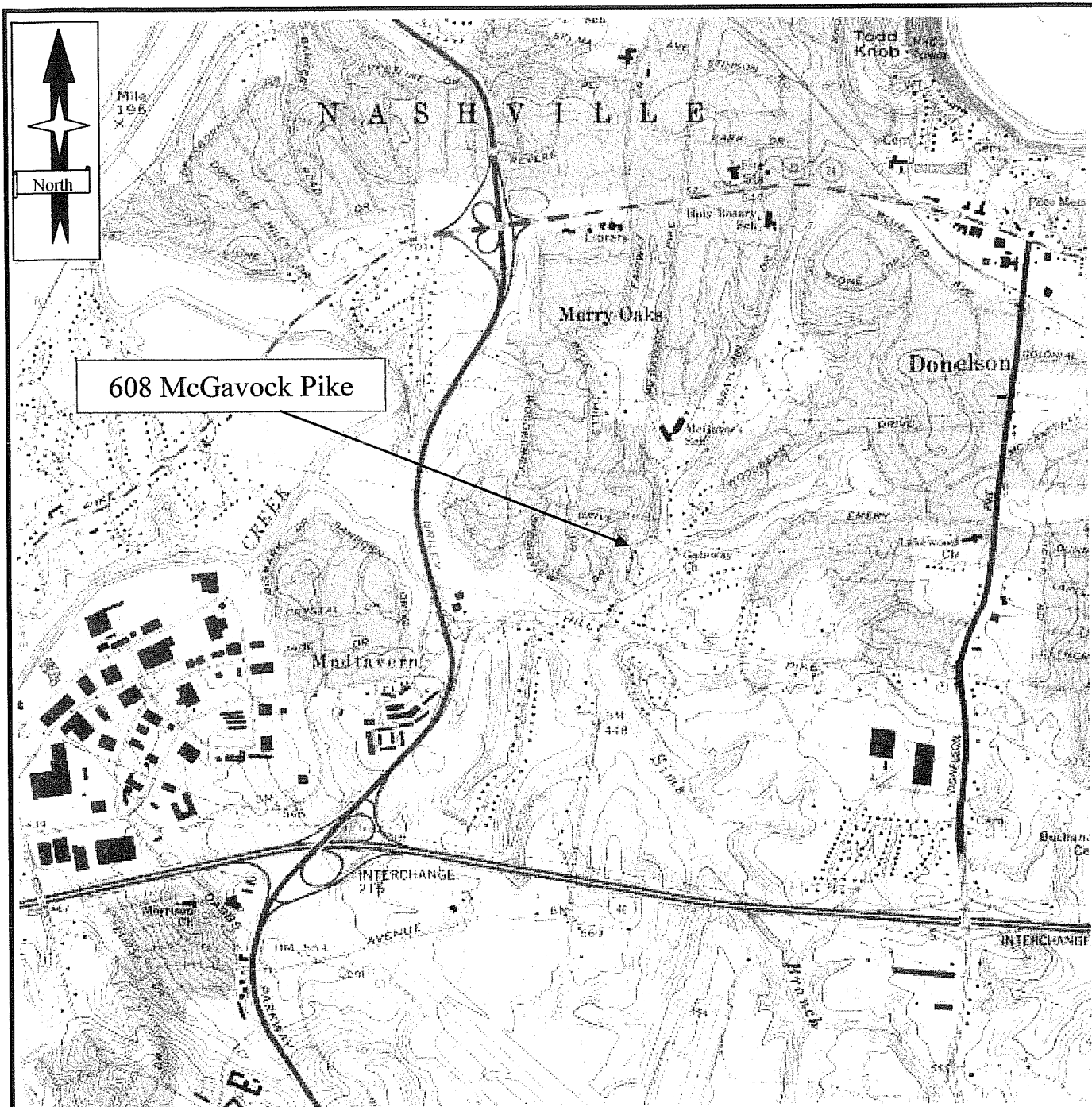
A handwritten signature in cursive script, appearing to read "Kathleen Kuná".

Kathleen J. Kuná
Project Manager
Operation Division


Enclosures

Copy Furnished:

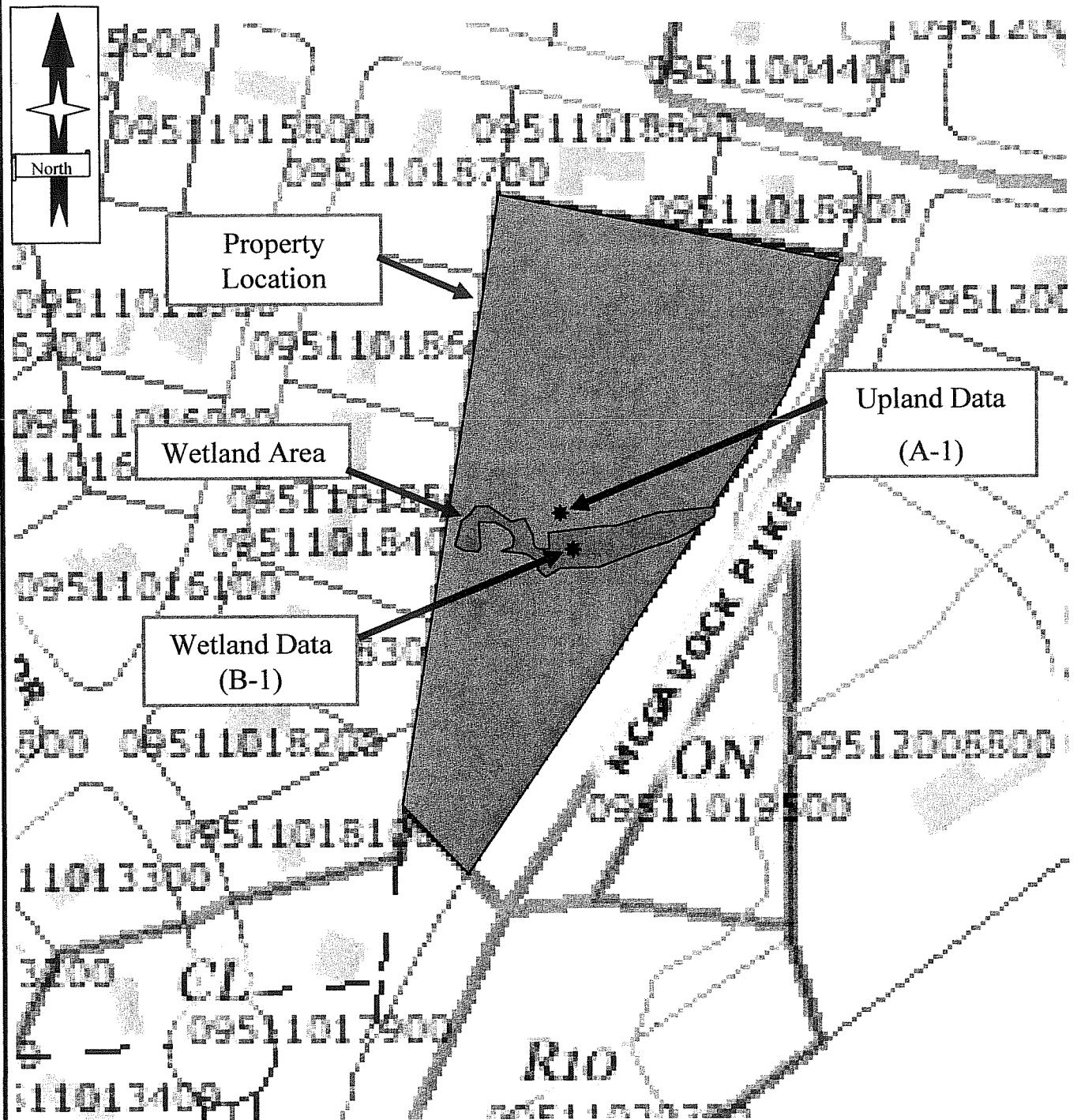
Mr. Bill Duffel
TDEC, Water Pollution Control
711 R.S. Gass Blvd.
Nashville, TN 37243




Source: USGS 7.5 Minute Series Topographic Map – 1970 Photorevised 1982
Nashville East, TN Quadrangle

Scale: NTS		TOPOGRAPHIC SITE MAP 608 McGavock Pike Nashville, Tennessee	Figure 1
Checked By: RHW			
Date: 4/4/2007		Project No. 1464-07-025	

DA FILE # 2007-00600



CITY OF NASHVILLE GIS INTERNET MAPPING SERVICE

Scale: NTS		SITE LOCATION MAP 608 McGavock Pike Nashville, Tennessee	Figure 2
Checked By: RHW			
Date: 4/4/2007		Project No. 1464-07-025	

DA FILE # 2007-00600

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: S&ME, Inc		File Number: 2007-00600	Date: 18 Apr 07
Attached is:		See Section below	
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
	PERMIT DENIAL	C	
XX	APPROVED JURISDICTIONAL DETERMINATION	D	
	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/inet/functions/cw/cecwo/reg> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

Kathleen J. Kuná
(615) 369-7506
FAX (615) 369-7501

If you only have questions regarding the appeal process you may also contact:

Michael Montone
U.S. Army Corps of Engineers
Great Lakes and Ohio River Division
550 Main Street, Room 10032
Cincinnati, OH 45202-3222
(513) 684-6212 FAX (513) 684-2460

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

Telephone number: